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14 Promise Technology, Inc.

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN JOSE DIVISION

18 PROMISE TECHNOLOGY, INC.,)
19)
20 Plaintiff,)
21)
22 v.)
23)
24 CROSSROADS SYSTEMS, INC., and)
25 CROSSROADS SYSTEMS (TEXAS), INC.,)
26)
27 Defendants.)
28)

Case No.: C07 06128 JF

CERTIFICATE OF SERVICE

DECLARATION OF SERVICE

I am a citizen of the United States, over the age of eighteen years and not a party to this action. My business address is 6601 Koll Center Parkway, Suite 245, Pleasanton, California, 94566. On May 5, 2008, I served the document(s) listed below on the person(s) identified below as follows:

STIPULATION AND [PROPOSED] ORDER OF DISMISSAL WITH PREJUDICE

☒ **BY MAIL:** I am readily familiar with the business' practice for collection and processing correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business. The above document(s) was placed in a sealed envelope addressed to the person(s) identified below, with first class postage thereon fully prepaid, and placed for collection and mailing on the above referenced date, following ordinary business practices.

☐ **BY OVERNIGHT DELIVERY:** I am readily familiar with the business' practice for collection and processing correspondence for deposit with an overnight delivery service. Correspondence placed for collection and processing is either delivered to a courier or driver authorized by said overnight delivery service to receive documents or deposited by an employee or agent of this firm in a box or other facility regularly maintained by said overnight delivery service that same day in the ordinary course of business. On the above referenced date, I sealed the above document(s) in an envelope or package designated by the courier service and addressed to the person(s) identified below, with payment of next day delivery fees provided for, and delivered the envelope/package to the office personnel responsible for delivering documents to overnight courier services following ordinary business practice.

☐ **BY FACSIMILE TRANSMISSION:** By use of facsimile machine with facsimile number [sending facsimile number], I served a copy of the above-listed document(s) on the person(s) listed below by transmitting by facsimile machine, pursuant to California Rules of Court, Rule 2008. The facsimile machine I used complied with California Rules of Court, Rule 2003(3) and no error was reported by the machine. Pursuant to California Rules of Court, Rule 2008(e)(4), I caused the machine to print a transmission record of the transmission, a copy of which is attached to the original of this declaration.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct; and that this declaration is executed on May 5, 2008, at Pleasanton, California.

/s/Thomas W. Lathram
 Thomas W. Lathram